



JOE BARNHART BEE COUNTY LIBRARY

110 West Corpus Christi St.

Beeville, Texas 78102

Tel (361) 362-4901 Fax (361) 358-8694

www.bclib.org

DOCKET FILE COPY ORIGINAL Received & Indexed

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

JUL 17 2008

RE: BEN - 141505

Request for Review / Request for Waiver CC Docket No. 96-45; CC Docket No. 02-6

Dear Ms. Dortch,

July 10, 2008

I am writing to appeal the decision made by the USAC SLD to deny funding for the library's technology services in Funding Year 2008 for application numbers 637281 and 637306. This action represents a loss of \$16,060.90 (FRN's 1764317, 1764330, 1764341, 1764343, and 1764364). The library seeks to restore this loss of funds in order for the library to continue offering vital telecommunications and internet connectivity to the service community.


The library filed the Form 470 one day late. USAC SLD was immediately consulted to remedy this mistake and was then advised to submit the Form 471 one day late to satisfy the 30 day notice period. A routine appeal with USAC SLD may be required. The library complied and the appeal was subsequently denied. A follow-up telephone conversation with the Office of the Ombudsman revealed that there was nearly no chance of winning an appeal, and the only course of action would be to appeal with the FCC.

The library was undergoing a change in key administrators. The task of filing the complicated E-Rate application was assigned to the Technology Specialist for the first time. The incoming Library Director had no experience with E-Rate, and had a limited understanding of the process. I had resumed my former role as Library Director following the new director's sudden departure and must now resolve this issue.

Even when the application process works as designed, the library must still find the resources to pay for much of the technology services in advance and wait for some undetermined period for the chance of reimbursement. This represents a fatal flaw in the program. It is extremely difficult to fund the entire costs of technology, even with the promise of reimbursed discounts. I am reminded that in funding year 2004-05, the library waited over 16 months to receive its approved funding, which caused a severe budget crisis.

Currently, the library has already committed to paying for technology services that was selected based on the E-Rate eligible discounts. Not only must the library pay the entire costs of technology services up to now, but it is too late to cancel any services to save money. This experience will certainly impact how aggressively the library introduces technology to its community, the intended purpose of the E-Rate program. I feel the loss of over \$16,000 is too severe for the nature of the mistake, and therefore request a waiver of the filing deadline.

Respectfully,


Steve Clegg
Library Director

Encl.

Library Director
Steve Clegg

Library Board
Margie Ann Awalt; Jack Bace; Ray Benavides; Darlene Conoly;
Melissa Hughes; Nancy Jones; Judge Jimmy Martinez; Sarah Milnarich;
Frank Moron; Sally Morrill; William Moser; Maggie Price; Marion Williams

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

June 19, 2008

JUL 17 2008

Steve Clegg
Joe Barnhart Bee County Library
110 West Corpus Christi Street
Beeville, TX 78102

Re: Applicant Name: JOE BARNHART BEE COUNTY
LIBRARY
Billed Entity Number: 141505
Form 471 Application Number: 637281
Funding Request Number(s): 1764317, 1764330, 1764341, 1764343
Your Correspondence Dated: June 04, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1764317, 1764330, 1764341, 1764343
Decision on Appeal: **Denied**
Explanation:

- A thorough review of your appeal and the relevant facts shows that you postmarked the Form 471 application on February 8, 2008, which is outside of the application filing window. For Funding Year 2008, in order to be considered for funding, Form 471 applications/certifications had to be postmarked no later than 11:59 pm (EST) on February 7, 2008.
- USAC denied your funding requests because it was determined that your FCC Form 471 Application was not postmarked on or before the close of the filing window on February 7, 2008. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to

demonstrate that the FCC Form 471 Application was filed timely. Consequently, your appeal is denied.

- The FCC requires completed FCC Form 471 applications and certifications to be postmarked by the final date of the filing window for the relevant funding year for the application in order to be considered timely filed. *See* Request for Review by Alpine County Unified School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File no. NEC.471.01-24-00.5400004, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4 (rel. Jan. 14, 2002).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Steve Clegg
Joe Barnhart Bee County Library
110 West Corpus Christi Street
Beeville, TX 78102

Billed Entity Number: 141505
Form 471 Application Number: 637281
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

June 19, 2008

Steve Clegg
Joe Barnhart Bee County Library
110 West Corpus Christi Street
Beeville, TX 78102

Received & Inspected

JUL 17 2008

Re: Applicant Name: JOE BARNHART BEE COUNTY
LIBRARY
Billed Entity Number: 141505
Form 471 Application Number: 637306
Funding Request Number(s): 1764364
Your Correspondence Dated: June 04, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1764364

Decision on Appeal: **Denied**

Explanation:

- A thorough review of your appeal and the relevant facts shows that you postmarked the Form 471 application on February 8, 2008, which is outside of the application filing window. For Funding Year 2008, in order to be considered for funding, Form 471 applications had to be postmarked no later than 11:59 pm (EST) on February 7, 2008.
- USAC denied your funding request because it was determined that your FCC Form 471 Application was not postmarked on or before the close of the filing window on February 7, 2008. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to

demonstrate that the FCC Form 471 Application was filed timely. Consequently, your appeal is denied.

- The FCC requires completed FCC Form 471 applications and certifications to be postmarked by the final date of the filing window for the relevant funding year for the application in order to be considered timely filed. *See Request for Review by Alpine County Unified School District, et al., Federal-State Joint Eoard on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File no. NEC.471.01-24-00.5400004, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4 (rel. Jan. 14, 2002).*

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Steve Clegg
Joe Barnhart Bee County Library
110 West Corpus Christi Street
Beeville, TX 78102

Billed Entity Number: 141505
Form 471 Application Number: 637306
Form 486 Application Number:

Administrator's Appeal Acknowledgement Letter
(Funding Year 2008: 07/01/08-06/30/09)

June 5, 2008

Steve Clegg
Joe Barnhart Bee County Library
110 West Corpus Christi Street
Beeville, TX 78102

Subject: Joe Barnhart Bee County Library

Steve Clegg,

Universal Service Administrative Company has received your correspondence dated June 4, 2008, on June 4, 2008 regarding the 2008 funding decision of your Form 471 Application Numbers 637281 and 637306.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company



JOE BARNHART BEE COUNTY LIBRARY

110 West Corpus Christi St.
Beeville, Texas 78102
Tel (361) 362-4901 Fax (361) 358-8694
www.bclib.org

Letter of Appeal
Schools and Libraries Division
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

Recd.

JUL 17 2008

Application Number 637281
Billed Entity Number 141505

To Whom It May Concern:

June 4, 2008


I am writing this letter to appeal the decision to hold my application for funding year 2008 until after the final review of all other applications. My application was certified "out of window". The form 470 was mistakenly filed one day late, and due to the advice of USAC SLD, the form 471 was delayed one day past the deadline in order to satisfy the 30 day window between the form 470 and the form 471. The delay was caused by introducing a new staff member to the complicated e-rate process.

I feel that holding my application unduly jeopardizes funding for eligible and vital library services. As our library qualifies for 80% discounts, this represents a severe obstacle to the library's ability to address its technology expenses. Each of the items listed on the 471 application is a routine library technology service that is necessary to the library's current operation.

I will ensure the library will not cause any future delays in submitting its application materials. Please review and consider this application as if it were submitted within the window.

Please contact me with any questions or comments.

Thank you.


Steve Clegg
Library Director
steve@bclib.org

Library Director
Steve Clegg

Library Board

Margie Awalt; Jack Bace; Ray Benavides; Darlene Conoly; Melissa Hughes;
Nancy Jones; Sarah Milnarich; Sally Morrill; Frank Moron; Bill Moser;
Maggie Price; Judge David Silva; Marion Williams



Schools and Libraries Division

**FUNDING YEAR 2008 FORM 471
POSTMARKED OUTSIDE OF WINDOW**

May 7, 2008

Jason McCaffrey
JOE BARNHART BEE COUNTY LIBRARY
110 WEST CORPUS CHRISTI
BEEVILLE, TX 78102-5604

Re: Applicant's Form Identifier: N/A
Form 471 Application Number: 637281

Dear Jason McCaffrey:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/08/2008, which is AFTER the Funding Year 2008-2009 filing window closed at 11:59 p.m. EST on Thursday, February 7, 2008.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal a decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant or service provider name,
 - BEN,
 - Application number 637281 as assigned by USAC,
 - "Funding Year 2008 Form 471 Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company